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**Jay E. Gruber**  
Senior Attorney  
Law & Government Affairs

Room 420  
99 Bedford Street  
Boston, MA 02111  
617 574-3149  
FAX (281) 664-9929

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BY HAND AND ELECTRONIC MAIL

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, MA 02110

Re: D.T.E. 03-60

Dear Secretary Cottrell:

On August 23, 2004, the Department issued a request to the parties for assistance in summarizing information from the record in this case for submission to the FCC. In response to the Department's request, on September 7, Verizon sent a letter to the Department recommending that the Department not make the effort to summarize the data and stating that, in any event, Verizon did not want to participate. Now, in a remarkable display of negative "spin" worthy of this year's presidential election, Verizon – in a September 20 letter filed with the Department – attacks AT&T's positive response to the Department's request as a "partisan" ploy and warns the Department not to "take the bait."

It is not clear to AT&T when a positive response to a Department request for assistance became a "partisan" ploy. AT&T did not initiate this effort. Indeed, AT&T has limited resources to undertake it. Nevertheless, the Department had asked for assistance and AT&T sought to comply. The effort is a time consuming one and it is still not clear it can be accomplished. The resource requirements are such that AT&T cannot, and has not been able to, undertake such an effort in every state. Nevertheless, in Massachusetts, AT&T remains committed to finding ways to accomplish the Department's objectives if that is possible.<sup>1</sup>

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<sup>1</sup> The Department can easily disregard Verizon's reference to AT&T's position in other jurisdictions where the record, the stakes, and the general situation differ from that in Massachusetts. Similarly, the Department can disregard Verizon's reference to the position of other carriers to bolster its own. There are many reasons why other carriers may not want, or be able, to devote limited resources to a joint data summary effort in Massachusetts. One of the more likely reasons, a lack of resources, is certainly not the reason behind Verizon's attempt to sabotage the joint effort to summarize the record in Massachusetts.

Verizon's behavior is like that of the playground bully who doesn't want to play the game the other children are playing, and takes the ball so that no one else can play. Indeed, in this case, when the children find another game to play, the bully is outraged to find that they will find a way to play without him. The Department has not been bullied by such tactics in the past and AT&T is confident that it will reach the right result here.

On top of its tactics and misleading "spin," Verizon makes a number of patently false claims. Verizon claims that AT&T's proposal would create new evidence and require the Department to "draw[ ] conclusions from the data based on AT&T's interpretation of FCC rules."<sup>2</sup> Both claims are false. AT&T has proposed a means of summarizing data that already exists in the record and a means of manipulating that data *based on determinations that the FCC as the ultimate fact finder would make*. No conclusion is reached by merely identifying the reason already stated in the record for why a CLEC on a particular route, or at a particular building, should not be counted as a trigger candidate. It would still be up to the FCC to determine whether such a reason warrants exclusion of the CLEC as a trigger candidate in the particular instance.

Finally, in regard to Verizon's request that it receive all information and analyses that the CLECs provide to the Department in connection with the summary for the FCC, AT&T has no objection. Indeed, in the hope that Verizon will reconsider its unwillingness to participate, AT&T – by this letter – extends an invitation to Verizon to participate in the joint effort. In that way, it will become a truly "bipartisan" effort.

Thank you very much.

Respectfully submitted,

Jay E. Gruber

cc: Service List

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One need only take a "head count" in the hearing room during hearings to get a feel for the disparity of resources.

<sup>2</sup> Verizon Letter, September 20, p. 3.